

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

NICHOLAS H. PLACHY,

Defendant.

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CASE NO. 4:12CR3049

**MOTION FOR VARIANCE  
FROM SENTENCING  
GUIDELINES**

The Defendant, Nicholas Plachy, hereby moves the Court to vary from the otherwise applicable advisory sentencing guideline range in this case. In support of this Motion, the Defendant states as follows:

1. Mr. Plachy does not object to the calculation of the sentencing guidelines in this case. However, the sentence called for by the guidelines is not an appropriate sentence for his conduct.

2. Mr. Plachy is a 23 year old man with no prior criminal record. He should not be sentenced to between 17 and a half years and the mandatory maximum 20 years of imprisonment. A sentence of less than 17 years is necessary to avoid unwarranted sentence disparities among similarly situated defendants.

3. A brief in support of this motion will be filed to further explain the factors which warrant the Court granting a variance from the sentencing guidelines.

WHEREFORE, the Defendant respectfully requests that the Court grant a variance and sentence him below the otherwise applicable advisory sentencing guideline range.

DATED this 13 day of March, 2013.

NICHOLAS H. PLACHY, Defendant

/s/ Michael J. Hansen

**MICHAEL J. HANSEN**

**Assistant Federal Public Defender**

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Attorney for Defendant

**CERTIFICATE OF SERVICE**

Assistant Federal Public Defender Michael Hansen hereby certifies that the foregoing document was filed with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to AUSA Steve Russell on this 13 day of March, 2013.

/s/ Michael J. Hansen

Michael J. Hansen